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DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-844]

Certain Lined Paper Products from India: Preliminary Results of Countervailing Duty Administrative Review; Calendar Year 2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain lined paper products from India. The period of review (POR) is January 1, 2012, through December 31, 2012, and the review covers one producer/exporter of the subject merchandise, A.R. Printing & Packaging India Pvt. Ltd. (AR Printing).<sup>1</sup> We preliminarily determine that AR Printing received countervailable subsidies during the POR.

DATES: Effective Date: [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-1009.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is certain lined paper products. The products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) item

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<sup>1</sup> The Department rescinded its review of Navneet Education Ltd. on January 31, 2014. See *Certain Lined Paper Products from India: Notice of Partial Rescission of Countervailing Duty Administrative Review: 2012*, 79 FR 5377 (January 31, 2014).

numbers: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description, available in the *Lined Paper Order*, remains dispositive.<sup>2</sup>

### Methodology

The Department has conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific. *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity. In making these findings, we relied, in part, on facts available because AR Printing failed to respond to the Department's requests for necessary information and therefore necessary information was not on the record, and AR Printing withheld requested information, failed to provide requested information by the established deadlines, and significantly impeded this proceeding. *See* sections 776(a)(1) and (2)(A)-(C) of the Act. Furthermore, because we determine that AR Printing failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information, we drew an adverse inference in selecting from among

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<sup>2</sup> *See* Decision Memorandum for Preliminary Results for the Countervailing Duty Administrative Review of Certain Lined Paper Products from India, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with these results (Preliminary Decision Memorandum); *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China*; *Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China*; and *Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia*, 71 FR 56949 (September 28, 2006) (*Lined Paper Order*).

the facts otherwise available. *See* section 776(b) of the Act. Finally, the Department intends to seek additional information from the Government of India concerning certain of its claims that AR Printing did not use certain programs and may verify information received

For a full description of the methodology underlying our conclusions, see “Decision Memorandum for Preliminary Results for the Countervailing Duty Administrative Review of Certain Lined Paper Products from India,” (Preliminary Decision Memorandum) from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Preliminary Results of Review

The Department preliminarily determines that the following net subsidy rate exists for the period January 1, 2012, through, December 31, 2012:

Company	Net Subsidy Rate
A.R. Printing & Packaging India Pvt. Ltd. (AR Printing)	71.71 percent <u>ad valorem</u>

#### Assessment and Cash Deposit Requirements

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the final results of this review. We will instruct CBP to collect cash deposits for the respondent at the countervailing duty rate indicated above of the f.o.b. invoice price on all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. We will also instruct CBP to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Disclosure and Public Comment

The Department intends to disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results. The Department will notify interested parties of the schedule for submitting written comments (case briefs) and rebuttal comments (rebuttal briefs).<sup>3</sup> Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>4</sup>

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of

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<sup>3</sup> See 19 CFR 351.309(c)(ii) and (d)(1).

<sup>4</sup> See 19 CFR 351.309(c)(2) and (d)(2).

publication of this notice.<sup>4</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.<sup>5</sup> Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: September 30, 2014.

Paul Piquado,  
Assistant Secretary  
for Enforcement and Compliance.

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<sup>3</sup> See 19 CFR 351.310(c).

<sup>5</sup> See 19 CFR 351.310.

## **APPENDIX**

### **Application of Adverse Facts Available (AFA) – AR Printing**

#### **Analysis of Programs**

##### **Summary**

##### **Background**

##### **Scope of the Order**

##### **Application of AFA – AR Printing**

##### **Analysis of Programs**

##### **Programs Preliminarily Determined to be Countervailable**

1. Advance Authorization Program (AAP)
2. Export Promotion of Capital Goods Scheme (EPCGS)
3. Pre and Post-Shipment Loans
4. Export Oriented Units (EOUs)
5. Market Development Assistance (MDA)
6. Status Certificate Program
7. Market Access Initiative (MAI)
8. State Government of Maharashtra (SGOM) Programs
  - A. Sales Tax Incentives Provided by SGOM
  - B. Electricity Duties Exemptions Under the SGOM Package Program of Incentives of 1993
  - C. Loan Guarantees Based on Octroi Refunds by the SGOM
  - D. Land for Less than Adequate Remuneration (LTAR)

##### **Programs Preliminarily Determined to be Terminated**

1. Duty Entitlement Passbook Scheme
2. Export Processing Zones (Renamed Special Economic Zones)
3. State Government of Gujarat (SGOG) Tax Incentives

##### **Programs Preliminarily Determined to be Not Used During the POR**

1. The GOI's Loan Guarantee Program
2. Income Deduction (801B Tax Program)

##### **Recommendation**

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